ASSOCIATION FOR THE REFORM
AND
CODIFICATION OF THE LAW OF NATIONS

LONDON CONFERENCE
JULY 1887

LETTER OF VITTORIO DE ROSSI

BARRISTER AT LAW AT LEGHORN
TO
M. J. G. ALEXANDER BARRISTER AT LAW
HON. GENERAL SECRETARY OF THE ASSOCIATION
ON THE FOLLOWING TOPICS

1.° On the execution of Foreign Judgments
2.° On the execution of English Judgments in Italy

LEGHORN
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Dear Sir,

I MUCH REGRET not being able this year to be present at the meeting of our association fixed on the 25.th inst., at London; and I am all the more displeased than I should have been most happy to see again such a grand city, and enjoy the courteous hospitality that the Honourable Lord Mayor has kindly offered us.

Yet, I wish to make up for my absence with this letter of mine, directed to you, dear Sir, Hon. general Secretary, begging you, first of all, to offer my best respects to the Hon. President, the Right Honourable Sir Reginald Hanson, Lord Mayor of London; and to express a brotherly greeting to all our clever colleagues. As an Italian, I feel proud to belong to an association that reckons amongst its members the most eminent men of the United kingdom, among whom I can only

find my place but as a modest and ardent advocate of the studies on International law.

I have addressed myself more especially to you, dear Sir, as having the intention to say a few words on the subject of *Jurisdiction with regard to Foreign Judgments*, which is one of the arguments of the conference, I have thought it proper to direct these lines to you, who are the Secretary of the special Committee for the above named question.

Since the year 1876 I had already studied this argument, in its relation with the Italian law, having published a work, a copy of which I send you, begging you to offer it to the Committee. (1) Now, thinking it will be of some use for the discussion held on the subject, I shall briefly recapitulate the dispositions of the Code of Italian Proceedings at Law for the execution of foreign judgments and decisions of the courts which interpret it.

The Italian law establishes that the enforcement of Foreign judgments is given by the Court of Appeal in the jurisdiction of which they ought to be put into execution, preceded by a judgment of trial in which the court examines:

1.° If the sentence has been pronounced by a *competent* judicial authority;

2.° If the parties have been summoned according to the ruler;

3.° If the parties have been legally represented, or legally contumacious;

(1) The first edition being at an end, I am just publishing a second one.

4.° If the sentence contains dispositions contrary to public order, or to the interior public law of the kingdom.

The first inquiry then that the Court ought to make before granting the enforcement of the sentence pronounced by a foreign Court of justice, is that on the competence of the magistrates who pronounced it.

But by which law and criterion can they be judged of such a competence? Is it by the law of the country where the judgment was declared, or by that of the land in which the exequatur is requested?

The Italian Courts have all pronounced themselves in an equal manner on this point, declaring that to decide on the jurisdiction or competence of the Foreign Courts of Justice, one must consider the law of Legal Proceedings existing in the Foreign Estate where the sentence was pronounced. Besides, this decision is consistent with the rules of private international law, sanctioned by the preliminary heading of the Civil Code, where it is said: (Art. 10) *that the competence and forms of judgments are regulated by the laws of the country where the judgment takes place.*

At Turin, the supreme Court of repeal with its judgment on the 9th of December 1879 fixed the following rules of law:

« The choice of domicil, made by an Italian in « France for the execution of a contract stipulated « there implies the renouncing to his right of turning « against the Frenchman, with whom he contracted, « the privilege of the art. 14 of the french civil code, « especially if the choice of residence be clearly de- « clared qualified for jurisdiction. Therefore the Ita-

« lian who has made such an election, cannot pretend « to call the Frenchman, according to the Art. 105, « N. 3 of the code of civil procedure, before the ju- « dicial authorities of the kingdom, who in this case, « are absolutely incompetent. (1)

This elever and interesting declaration of the Repeal Court of Turin, has made, according to our opinion, a severe but just judgment of the so called *Law of Retortion* on the subject of international juridicial relationship. It is true that such reprisals instead of diminishing, only increase those feelings of distrust, jealousy and hostility to which unfortunately the nations are already accustomed.

The disposition of the art. 14 of the French code is considered by several writers, also French ones, as being exorbitant, exceptional and partial in favour of the French citizens, whom it tends in nearly all cases to withdraw from the jurisdiction of foreign tribunals.

In my book published in the year 1876 on Foreign judgments (*The execution of foreign sentences and judicial acts according to the Italian Code of Procedure* page 76 and foll). I observed that the jurisprudence of our tribunals had prepossessed itself of this state of relationship or terms of Private International Law between the two nations, and with its judgments has tried: 1.° To well determine the cases which can be put into execution in Italy of a French sentence pronounced according to the competence admitted by the forenamed art. 14 of the Napoleonic Code; 2.° To

(1) Ann. di Giurisp. Ital. vol. XIV, anno 1880, parte I pag. 17.

rest on the principle of *Reciprocity*, admitted by the art. 105 of our Code of Procedure to obtain in favour of the Italian Tribunals an equal extraordinary competence relative to French citizens.

An instance of interpretation in the first sense, we find in a decision of the Court of Appeal at Florence, on the 7.th of April 1870, which pronounced that so as to declare the faculty of execution in our Estate of the sentences of the French Tribunals, preceded by a simple trial, one must examine if the Tribunals of France have explained that ordinary jurisdiction, admitted by science, recognised by all civil nations, and from the fact of its having taken place on their land contracts the obbligation, or rather that they have explained the other and different extraordinary jurisdiction, exceptional, and constituting an odious privilege of the French subject to the detriment of the Italian. Since it is just and right that in the first case the French sentences can be put into execution in the kingdom, so would it be injust in the other case, in which the jurisdiction of the French Tribunals has acted to the detriment of the Italian Tribunals, according to a disposition of laws, which the French writers themselves called hard, exorbitant and contrary to the Law of Nations (Ann. of Ital. Jur. AD 1870, 98. See also another decision of the same Court at Florence on the 18.th of March 1868, page 680).

With this system adopted by the Court of Florence which seems to us very rational, one does not give power to the *Law* of *Retortion*, excluding the exaggeration and pretentions of the Foreign Law which

would lead to reprisals. In short, one concludes that *competence* ought to rest on one of the three rational and juridicial fundamental questions: or the residence of the defendant, or the place where the contract is stipulated, or the place where the obligation is to be put into execution. If one of these bases fail the foreign magistrate cannot consider himself competent, not even if the whim of a legislator (like in the Art. 14 of the French Code) have the pretention to oblige the citizens of other Estates to submit to the jurisdiction of its Tribunals.

Then we find an example of the application of the system of *reciprocity* in the decisions of the Court of Appeal at Turin, on the 19.th of January 1869 (Jurisprudence, Turin 1869, p. 305) and we see it carried on till the application of the *jus retorsionis* in the other sentence of the Cassation Court at Turin, August 22.d 1873 (Monitor of the Tribunals. Milan 1873, p. 919) with which this supreme magistrate rejected a sentence of the Court of Appeal of Turin, May 6.th 1871, (Jurisprudence of Turin 1871, p. 512) with which and with the other of March 31.st 1871 (Jurisprudence of Turin 1871, p. 338) that Court had deviated from the rules which it had established in its former enunciation here above quoted by us.

It is useful here to examine the terms or conditions of this judgment of Supreme Court, so as to be able to Compare it with that one which we are now examining. It had been requested of the Court of Appeal at Turin with a judgment of Trial, the capacity of executing a French sentence against an Italian resi-

ding there. Subjet to the *Foreign judgment* he had concluded a contract at *Vienne* (France) with a Frenchman; it consisted of the sale of goods which were to be and *were Consigned* there; also the payment of the bill, according to the stipulations, was to have been done at Vienne. On such terms, observed the Court of Cassation of Turin, abiding to the ordinary rules of competence, it ought to have been recognised that the Tribunal of Vienne had been justly called upon, by the Frenchman, neither could one consider well grounded the exception of the defendant in the judgment of Trial, which opposed the capacity of execution on the plea that the judgment of merit ought to hawe been presented to the Tribunal of Commerce of Turin, and not to that of Vienne and thus violate the art. 941 of the code of civil Procedure. Yet, added the Supreme Court, though this exception be in opposition with the general rules of competence, though it have against it nevertheless the contents of the art. 14 of the French Civil Code, since according to the terms of the quoted art. 14, the Italian who has made a contract with a Frenchman can be summoned before the Courts of France, though he do not reside there. In presence of such au outrageous disposition it is clear that the ordinary rules of competence ought to give in, if not *Jure reciprocitatis* at least *Jure retorsionis* the Italian citizen is obliged by equity to desire that the Frenchman should be treated like he is treated in France. That point fixed the Sentence repealed the decision of the Court of Appeal of Turin that had admitted the

competence of the Tribunal of Vienne, and granted the exequatur to the French Sentence.

Such a decision appeared rather a severe warning to France for the pretensions of its Code, as well as a right application of the rules of competence. In fact, some said it was against the national principles of Law, but an unavoidable Consequence of the quoted art. 14 of the French Code (See; Journal du droit international privé 1874, p. 177, a writing of the clever Lawyer Cesare Norsa); others found in it a reason to hope that such a dispqsition (the art. 14) should be soon modified by the legislator, making it more conformable to the recent progress of International legislation. (See my book titled: The execution of the sentences and acts of Foreign Authorities according to the Code of Italian Proceedings at Law. Chap. VI. page 78, 79, 80).

With the recent and clever Sentence that we are now examining, the Court of Cassation of Turin reput into practice those rules of competence which it had also recorded in its criticised decision of 1873, and referring to the rational principles of the Law condemns reprisals, as their being uncivil and Contrary to the progress of the Law of nations.

All the more justly the Court of Cassation of Turin repelled the application of the *jus retorsionis*, than the kind of fact dit not apply itself in any way, not even apparently to make it prove equitable. The contract to which the dispute referred had been stipulated at Marseilles and moreover the parties had taken up residence at Marseilles for the execution of

the contract itself; which implies that the payment of the amount was to have been made there. Therefore, also according to the Italian Law, two criteria were necessary to attribute the competence to the Court of Marseilles: it was the place of the contract and of the payment (art. 90 and 92 Italian Code of Civil Law). From the motives of the sentence one understands that the defenders of the Bingen Firm maintained that the choice of domicil does not imply any *coactive* effects, but only attributes a *faculty*, to the plaintiff to sue the defendant before the Tribunal of the chosen domicil. (Art. 95 Code of Civil Law). - This however seems to us a wrong interpretation. It is true that a *faculty* is in question, but in this sense: that the plaintiff may choose between the domicil of choice and the effective or real domicil inasmuch that if he does not intend to sue the defendant at the domicil of choice he must follow the ordinary rule, and accomplishing a personal action he ought to promote it in the place of residence of the debtor, that is to say at Marseilles. Thus the Tribunal of Genoa remained still ever incompetent. In this Case though one must observe that the Case of choice of domicil was not made solely by the defendant, but by both parties liberally stipulated as a conventional bargain, for the execution of the respective obligations. Such an agreement does not meet with any difficulties from the civil Laws (1). And what obstacles from

(1) In all the important questions relating to residence one must consult a learned treaty lately published in England by the clever magistrate *Dicey*, bearing the title of " *The Law of domicil.* „

Counsellor *Borsari* has also written on this subject a work entitled " *Commentario al Cod. Civ. Ital.* „

the International Law? None that we know of, and in a few words this is the reason. Competence per reason of territory was always remanded to the arbitration of the contending parties; so far is it true that if the indication of the forum is not proposed before any other instançe it is unreceivable and the magistrate regularly accomplishes his jurisdiction (art. 187 Code of Civil Law). If this happens for the ***nearly judicial contract,*** who can prevent that the parties establish, by agreement, the forum where will be argued the controversies concerning the execution of the contract?

The Conventional residence in this case is chosen before the Barrister, and ere the law-suit has begun, than adopted at the moment of the judgment before the magistrate; there is no other difference.

It is always private liberty that predominates, it is always the agreement of the contractors concerning a ***vinculum juris,*** that is to say; the mode of putting the contract into execution

These incontestable principles that are enforced in the limits of our Estate, we believe are also applicable to the International relationship, and we can but confirm here what we have said elsewhere, that is to say that the Italian Courts have no need of abiding on the incompetence of territory, when it be not put forward by the contending parties (See my forequoted book pag. 75). Which leads one to believe that the special competençe fixed by the agreement of the parties, in a Foreign Estate, ought to be respected and the denying of it by our tribunals ought to be repelled.

Yet the aforesaid sentence of the Court of Cassation of Turin appears to us conformable to the logic of law and to the rules on the observation of contracts. It is elear that the Court of Genova had no competence in the question, since it was neither supported by the Italian Code nor the French one, and moreover it went against the law of the contract. Now, to conclude, we shall say a few words on the importance that ought to be given in Italy to the art. 14 of the french Code, and on its offects. The first part of this article is conformable to the juridicial principles concerning competence, and therefore its application ought to be admitted amongst us, everytime that a fixing of forum be proposed on these bases, or that is requested the execution in Italy of a french sentence, coming from that exceptional jurisdiction.

The second part then of the article that gives a right to the French to call at their residence any Foreigner, and thus also an Italian, solely because he has contracted with them, without there being any motive of competence, neither as the forum where the contract ought to be judged, nor as the domicil of the defendant, nor as the forum where the obbligation ought to be put into execution, has for effect to overthrow or ruin the natural order of jurisdictions and consequently cannot be welcomed by our Tribunals. We don't think though that they ought to act with the *jus retorsionis,* which comes to opposing an outrageous act by another one likewise. No; this has never seemed to us a juridicial principle. On the contrary, let us remember that the Italian Courts and Tribunals

can justly disown such a kind of competence, appealing to the art. 12 of our Civil Code (tit. prel.) in which it is said that in no case the *Laws*, acts and sentences of a Foreign country will be able to go in opposition to the laws relating in any way to the public order. Thus it will be avoided that an Italian might without any juridicial reason, be denied his natural judges, and that, with offence to the principles of public order, he should, through the whim of a Foreign legislator, submit to the authority of Foreign Tribunals.

These considerations on competence that I have expressed relating to the Italian Law are equally applicable I believe to the legislations of other Estates.

And now, I think it might be agreeable to our conference to hear some observations on the execution of the English sentences in Italy.

II.

Execution of English Sentences in Italy.

One wishes to execute in Italy a sentence of an English Court, and therefore one intends bringing before the Italian competent court the judgment of Trial, so as to obtain the declaration of *capacity to execute*, according to the Art. 941 and following of the Italian Code of civil Law.

The defendant, against whom would be directed the execution of the sentence, opposes himself in the

judgment of Trial to the demands of the actor or plaintiff, declaring that the English sentence is not legal, and therefore is not executable, because the summons made in Italy to the defendant, here resident, to introduce the judgment of merit before the Court of England, were never preceded by the permission of the Public Ministry. The exception of the defendant is founded on the Art. 947 of the Italian code of Civil Law, which there declares that: « When it is question of a summons to come before Foreign authorities, or of simple notification of acts enacted by a Foreign country, the permission is given by the public Ministry to the Court or Tribunal, in whose jurisdiction the notification ought to be executed. » According to this disposition, if the interested party wish to make this summons be executed by means of an usher, he must present the act to the Public Ministry of the place, together with a suit directed so as to obtain the above named permission, and the delegation of an usher to execute the notifications (1).

On the contrary, in the kind of fact in question one did not proceed in such a way, but one adopted the following form allowed by the English law. A person residing in Italy in the place where the summons ought to have been made had himself consigned the act to the defendant. The suit had its effect because the defendant appeared before the English Court, and explained his defence; but after the result of the judg-

(1) See my work: The execution of the sentences and acts of Foreign authorities.

ment had been unfavourable to him, and that the plaintiff wanted to profit of the sentence, as he had a right, and put it ino execution in Italy, the summons were said to be invalid, and consequently the judgment and the Foreign sentence were of no juridicial efficacity.

Concerning the worth of such exceptions against the capacity of execution of the Foreign judgment, I don't hesitate in declaring that they absolutely lack of juridicial ground, and that the English sentence can be supplied with the exequatur, when the Italian magistrates in the judgment of Trial have recognised that the aforesaid sentence corresponds to the desired requisites of the art. 941 of the Italian Code of Procedure.

I shall briefly explain the motives of my opinion.

The argumentation of he who maintains the invalidity of the summons and the disqualification for the execution of the sentence rests on the two following points: 1.° On the art. 941 N. 2 of the Italian Code of civil Procedure, which fixes, that the Court in the judgment of trial examines, if the Foreign sentence be pronounced legally, and that the parties have been regularly summoned. 2.° On the art. 947 of the said Italian Code which establishes that the Public Ministry gives the permission to the competent Italian Court to execute the summons and notifications coming from Foreign countries.

This so far established, the maintainers of the invalidity say that as in this case the summons and notification were made without the permission of the public Ministry, the judgment and the Sentence that followed

them are inefficacious and cannot be put into execution in Italy.

Yet the interpretation that one wishes to give in this manner to the two articles above referred to appears to us quite erroneous, because it is contrary to the general principles of the Law of Law-suits and to the reason of the special law which is in question.

It is a general principle concerning judicial proceedings now admitted in all the Estates, that the competence and the form of the Proceedings are ruled by the Law of the place where the judgment takes place, this rule of Procedure, recognised by the modern science of the Law of Nations, has for us the precise and authoritative sanction in the art. 10, preliminary title of the Italian civil Code.

Hence, the Italian jurisprudence, in interpreting this article of Law, has repeatedly sentenced that, so much to judge if the foreign Sentence have been pronounced by the competent Tribunal, as to confirm the regularity of the proceeding observed in the judgment, carried on before this competent Tribunal, one must consider the juridiciel order in observance in the territory in which the Sentence was pronounced.

It is also important to warn how, likewise, the special question which occupies us concerning the validity of the summons and the criterion with which our Court ought to judge it has been examined and explained most cleverly by the Court of Cassation of Naples, April 26.th 1869. That supreme Court proclaimed that: « in the judgment of Trial the foreign « Sentence does not render itself executable when he

« who claims the capacity of executing it does not « justify that the loser was summoned according to « the forms established by the law of the land where « the Sentence was delivered. »

Therefore we have proved that the rules of the Law, the dispositions of Positive Law, and jurisprudence are unanimous in maintaining that the introductive summons of a Foreign judgment ought to be appreciated with the criteria of the Foreign Law, or of the law of the Estate in which this summons gave birth to the Law-suit, and headed the explanatory sentence of the rights of the parties.

And in fact this maxim of private Law of Nations is but a logic and juridicial consequence of the fundamental rule generally received and sanctioned by all the Laws of Procedure, according to which the act or libel of summons forms an integral part and is even the soul of the judgments that refer, and ought to adapt themselves, so much for the form as for the substance, to the rules that govern the judgment itself.

From what precedes one necessarily concludes that, if the English Law of Procedure wants the act of summons to be made by a mandatary of the plaintiff party, be it for the language, for the intrinsic forms and the substantial ones of the act, it dictates certain prescriptions for the defect of which the English Magistrate denies its jurisdiction, it is undoubtful that by the formal and substantial efficacity of the act the Tribunals will have to judge, referring to the Laws of England, and declare valid or not the suit, accordingly if the laws were or were not observed.

Here we are now at the special object concerning the defect of authorisation of the special object concerning the defect of authorisation of the Public Ministry.

The rules that we have mentioned here, make it easy for us to show that the authorisation, in this case was not necessary, and that its defect or absence could not, in the terms of fact here above mentioned, produce the pretence of invalidity of the proceeding.

The *ratio legis* of the art. 947, that treats of the established formality, seems to be the following: The ushers are called upon to execute the summons and other acts entrusted to them by the laws of the Estate, that are related to the jurisdiction of Tribunal on whom they depend.

When, on the contrary, they are requested to summon a person residing in Italy, to come before a foreign tribunal, the Italian legislator has ordered the intervention of the Public Ministry of the place for two reasons: 1° to assure one's self that a public official who is the usher should not cooperate with his deed to an action that per chance might be contrary to the principles of owr public Law; 2.° to make up for the autority which would be missing to the Italian usher to summon before a Foreign Court.

Evidently, in this way, they wanted first of all, clearly define and make well respected the faculties and competences of the Italian public officials. It could not be admitted, that an Italian usher could be imposed upon by any private individual to transmit a summons to come before a foreign authority, whilst he has received by the Law the exclusive charge to make

summons for the Courts of the kingdom; secondly one wishes to prevent the case in which the intervention of an usher should give the seal of the Italian autority, or at least should show its help, even passive, to the contents of an act which might go against the fundamental principles of our public law. I shall better explain myself with an example.

Let us imagine that a married couple, Italian citizens go to fix their residence or domicil at London; there, quarrels arise between them in consequence of which separation, and the wife returns to Italy, to her former first domicil at Florence. The husband, with the intention of loosening the matrimonial tie, taking advantage of the English laws, which admit divorce, sends a summons to his wife at Florence, calling her before the Divorce Court in London, to hear her marriage dissolved. A person entrusted at Florence by the husband requests an usher of that tribunal to notify the summons to the wife. It is clear that if the usher should proceed in these terms of fact to summon the wife, he would grant the help of the Italian authority to an act that is condemned by a Law of ours, *prohibitive* and of *Public Order*, which forbids divorce. Hence, the reason why the usher cannot continue the act, if the Public Ministry of which he depends have not examined the contents and permitted the notification. It is sure that in this case the Public Ministry would deny the permission.

But it is quite different when the summons is made without requesting at all the intervention of the usher.

The solicitor of the party residing in England presents himself at Florence to the defendant, shows him his mandamus, written according to the English forms, and delivers him a summons to appear (for instance) before the High Court of Justice, Chancery division, for a question of inheritance. The defendant accepts the summons, comes and defends his rights before the English Magistrate. Aftewards, when one wants to execute at Florence the judgement of the Court of Chancery, will it be said that the introductive summons is invalid because there was not the permission of the Public Ministry? Will one be able to maintain on this ground, in the judgment of Trial the disqualification for the execution of the Foreign sentence?

The negative answer appears to us the only one just and coherent to the principles of our legislation.

In fact by consigning the summons in the due form and with the means here above named none of the fundamental rules of our public Law will have been violated. (*a*) Though there have been no usher, it has certainly not been given to an Italian Authority a different sphere of action than that which is established for it by the laws of the Estate. And that may be said with regard to the form and mode of notification, or to the exterior of the act of summons: (*b*) Then, in what regards the contents of the summons, or the essential element of the like, the usher and the Public Ministry having remained quite estranged, it cannot be said that with this summons the laws on judicial ordainment have suffered violation, neither have any other that concern the Public

Law or the Public order of the State. This form adopted or admitted by the English law, was quite private between the parties, and whilst it reaches the aim of the call in judgment, it cannot give rise to preventive obstacles on the side of the Italian Authority.

We rest all the more on this idea, reflecting that the predominant motive in all the dispositions concerning the execution of Foreign acts in the kingdom, consists in the fact, that the examination by the authority of the State is necessary, so often as one wants to put the very acts into effect, calling purposely on the help of some officer of the national authority. Now that in this case the summons came from *private to private*, the authorisation of the Public Ministry would be out of question,

I add another consideration. It is admitted by all legislations and also by our Code, that the parties can appear voluntarily in judgment *without summons*. Therefore an agreement, a letter exchanged between the contending parties, directed so as to avoid the difficulties and expenses of a summons from one Estate to another, might have given a very simple and quite private form to the introduction of the judgment.

And for this will it be said that the definitive Sentence of the Foreign Tribunal canot be declared executory, because a person residing in Italy being called before Foreign Magistrates, the summons was invalid and inefficacious by default of authorisation from the Public Ministry? I dont believe that such an absurd idea would come to anybody's mind.

It is not a case of invalidity of public order, so

much so that the art. 947 does not declare that the *permission* must be given under penality of incurring invalidity. This being observed, one must remember that the art. 56 of our Code of Procedure establishes that the invalidity of no act of summons or of other acts of Procedure can be pronounced, if the invalidity be not declared by Law.

The interior Public Law and the reasons of public order, considered through N. 4 of the art. 941, will always have occasion of claiming the attention of the Italian Court when it will be called upon in the judgment of Trial to examine the contents of the foreign judgment, and to render the sentence executory.

But we can assert with a certainty that if, the summons were made in the due form admitted by the English Law, without intervention of the Italian authority, nor of the public Ministry, it ought to be considered and declared valid and efficacions in promoting the judgment, which concludes with the sentence that is to be executed in Italy.

These short considerations being examined concerning the questions that can arise before the Italian Courts, on the execution of Foreign Judgments, it is easy to understand of what great importance it would be if Treaties could be concluded between Civil Nations, to establish uniform fundamental rules on this subject.

The rèsolutions deliberated upon this argument by our association at the conference held at Milan, in September 1883, which are referred to at the page 129 of the Report of that Conference, seem to me a great step towards the track in which we are thrust by the

exigencies of civilisation, and by the international transactions that are daily becoming more frequent and extensive. Therefore, I take the liberty of urging that at the conference now held at London, our association by repeating that deliberation should obtain the protection of the Loyal government of Her Majesty the queen; and I am sure that the government of His majesty the king of Italy would immediately encourage such a motion, beacuse it would answer to the principles of the Law of Nations that are written in our Civil Code and in that of Procedure, and which we should see with great satisfaction introduced in the Conventions or treaties with other civil nations.

I ardently hope that at this conference such an important result may be obtained; and with this wish I send respectful greetings to the noble city of London, where I have such dear remembrances, amongst which the birth of my beloved mother, *Sarah daughter of Rachel* DISRAELI *and of Angiolo Tedesco,* now only lately deceased at Leghorn, with ever the most vivid affection for her mother country.

Accept, dear Gentlemen, the expression of my highest consideration and respect, with which I have the honour of being

Yours faithfully
VITTORIO DE ROSSI
Barrister at Law
at Leghorn.

To J. G. ALEXANDER,
Esq. L. L. B. Barrister at Law.
Hon. general Secretary of the
"Association for the Reform and
Codification of the Law of Nations.,,
-LONDON.